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UNCLAS SECTION 01 OF 07 PHNOM PENH 000350

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SUBJECT: 2007 TRAFFICKING IN PERSONS REPORT FOR CAMBODIA

REFTEL: STATE 202745

11. (U) The following is Embassy Phnom Penh's contribution towards the preparation of the 2007 Trafficking in Persons Report for Cambodia, covering the period March 2006 - March 2007. Responses follow the questions outlined in reftel. The entire report is classified sensitive but unclassified (SBU).

#### Overview of the Country's Activities, Statistics

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1A. (SBU) Is the country a country of origin, transit or destination for international trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where and for what purposes. Does the trafficking occur within the country's borders? Does it occur within territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Cambodia is a source, destination, and transit country for trafficking in persons, including men, women and children. The majority of Cambodian trafficking victims are trafficked for labor purposes, due to Cambodia's relative poverty and poor economic conditions compared with its immediate neighbors; Cambodian women and girls are also trafficked for sexual exploitation. Cambodians are trafficked primarily within the Mekong sub-region, particularly to Thailand and Malaysia. Trafficking also occurs within Cambodia's borders, from rural areas to Phnom Penh and other secondary cities within the country.

In Cambodia, commercial sex work goes on in guesthouses, karaoke clubs, massage shops, beer gardens, restaurants and nightclubs that provide direct and indirect sex workers. Barbershops, noodle shops, and other commercial establishments may also function as venues for commercial sex operations either on the premises or "on delivery" for clients. Both TIP victims and voluntary sex workers are intermingled at such venues. Many ethnic Vietnamese sex workers in voluntary sex work are or were originally trafficked to Cambodia through debt bondage. Debt bondage is also a factor in the recruitment of Cambodian trafficking victims, who are convinced that they are accepting legitimate restaurant, factory, or other work opportunities in Phnom Penh or other cities and then forced into sex work.

There are no firm estimates or reliable numbers available as to the extent or magnitude of the overall trafficking problem. Two surveys have attempted to measure the commercial sex industry in the country: a 1997 report by the Commission on Human Rights and a 2003 study by a former Fulbright researcher, Thomas Steinfatt. The 1997 Commission on Human Rights for the National Assembly included a country-wide survey of brothels, and estimated that there were 14,725 brothel workers in Cambodia (ignoring other venues) and that 81 percent of workers were Cambodian and 18 percent Vietnamese. The study did not attempt to differentiate between voluntary sex workers and trafficking victims.

Steinfatt's 2003 statistical study on the number of prostitutes and sex trafficking victims in Cambodia estimated 18,256 sex workers (all venues) in Cambodia, of which 65.6 percent were Cambodian and 32.8 percent Vietnamese. The Steinfatt study estimated that there were 2,000 sex trafficking victims in Cambodia, with 80.4 percent of the sex trafficking victims being ethnic Vietnamese. Steinfatt's trafficking estimates have been disputed by some who believe the actual victim numbers to be higher, although no separate data exist that accurately quantify sex trafficking victims.

Limited trafficking statistics are available from RGC border authorities involved in the repatriation of Cambodians from neighboring countries. Cambodian authorities, in cooperation with international organizations such as UNICEF and IOM, try to distinguish between illegal migrants and trafficking victims, particularly children, and have some statistical information. Within Cambodia, NGOs that provide services to victims referred by police, judicial, and social service officials often are another source of limited statistical information based on their respective operations.

In 2006, the NGO Cambodian Women's Crisis Center (CWCC) assisted 146

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victims of trafficking, 67 of whom were victims of cross border trafficking. The NGO AFESIP assisted 67 victims of trafficking among the 310 residents admitted to its shelters during the year. During the 11-month period between March 2006 and January 2007, the Ministry of Interior reported the arrests of 44 offenders for domestic trafficking and 21 for cross-border trafficking, and the rescues of 69 and 51 victims of cross-border and domestic trafficking, respectively. The Ministry of Social Affairs reported the total number of victims of trafficking during the same period to be 360, of whom 171 were victims of domestic trafficking and 189 of cross-border trafficking. Of the 360 total, 177 victims were trafficked for sexual exploitation, and 183 for labor purposes. During 2006, IOM identified 131 victims of trafficking, out of 757 Cambodian returnees from Vietnam, and 252 victims of trafficking, mostly children, from Thailand.

There are no studies that suggest minority groups are more susceptible to trafficking. Some provinces, by virtue of their proximity to neighboring Thailand or Vietnam, are also source areas for trafficking victims. In a 2004 survey, PACT-Cambodia found a correlation between residential origins of trafficking victims and communities along major highways.

Thailand is the major destination country for trafficked Cambodians, but there are no reliable numbers on how many persons are trafficked to Thailand each year. Cambodian men are trafficked to work in the Thai fish, construction and agricultural industries; women and young girls are trafficked for factory and domestic work, but are also subject to sexual exploitation in the Thai commercial sex industry.

Children are not prevented from crossing the Thai border with strangers or alone, and Cambodians can buy a border pass to cross the border without needing to show any identification. Poipet/Aranyaprathet is the primary Cambodia-Thai border post. Children mainly from Banteay Meanchey and Battambang provinces in Cambodia's northwestern region continue to be trafficked to Thailand to beg, sell candy or flowers, and shine shoes. IOM and UNICEF have contact with nearly all children repatriated from Thailand at the Poipet border crossing, and select out the trafficking victims for

special care through IOM's Poipet Transit Center, which is staffed jointly by IOM and Ministry of Social Affairs, Veterans and Youth (MOSAVY) staff. According to UNICEF, in 2006 there were 198 unaccompanied children deported from Thailand to Cambodia, some of whom were trafficking victims. According to IOM/MOSAVY, Thai authorities repatriated 86 women and children who were identified as TIP victims and deported another 165 alleged TIP victims during 2005.

Cambodian women continue to be trafficked via Thailand to Malaysia for commercial sexual exploitation, and others are trafficked directly to Malaysia for exploitation as agricultural laborers, domestic help, and sex workers.

According to IOM's 2006 statistics, children in two districts of Svay Rieng Province continue to be trafficked to Ho Chi Minh City in Vietnam for begging. Cambodian traffickers contract with the children's parents, with monthly payments ranging from 100,000 riels (USD 25) to 150,000 riels (USD 37) per child. IOM explained that Cambodian facilitators take three to four children at a time across the porous, unmonitored border to Vietnam. A single trafficker may coordinate several facilitators. Border controls are minimal and the children cross to Vietnam freely, according to IOM. Cambodian traffickers personally supervise the children in Vietnam, and reportedly have few problems with police raids. According to MOSAVY, 757 people -- mostly child beggars -- were returned by Vietnamese authorities and reintegrated in 2006.

Vietnamese women and children, many in debt bondage, continue to be trafficked from Ang Giang, Contho, Soc Tzeug and other provinces in Vietnam to Cambodia for commercial sex work primarily in Phnom Penh. Information from AFESIP, CWCC, and UNICEF indicates that Vietnamese women and girls are trafficked through Cambodia by organized Vietnamese criminal gangs to onward destinations in Thailand and Malaysia.

During the summer of 2006, Chinese women in debt bondage were discovered engaging in commercial sex work in Cambodia. Many of these women are working to repay debt incurred in their home country.

A moratorium since 2002 on international adoption by some western countries, including the United States, has largely curbed reports of trafficking of infants for foreign adoption. Concerns surrounding this type of trafficking led the RGC to redraft the

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country's adoption legislation, and a new law is currently being developed which has recently been reviewed by the Council of Ministers and returned to MOSAVY. The Cambodian government is working with international organizations and other donors to ensure that international adoptions are conducted properly in the future to diminish the trafficking of infants for profit.

#### Changes in Trafficking Patterns; Political Will -----

1B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?)

Cambodia has made important strides in combating trafficking over the past years. The Ministry of Interior has implemented a national anti-TIP plan. The RGC is moving ahead with drafting a modern anti-trafficking law and has concluded MOUs on combating trafficking with its two biggest neighbors. In 2005, the Cambodian National Police botched a raid, compensated with a successful raid and then jailing of four individuals associated with the Chhay Hour II hotel. In fall of 2006, the hotel reopened under a new name after the

owner and manager were released by the Appeals Court. In 2007, Cambodian authorities raided the hotel for the third time, detaining four suspects, including the two original detainees. Additionally, the Prime Minister publicly criticized the Appeals Court and demanded an investigation into the court's decision.

The Cambodian government at its most senior levels supports greater emphasis on the fight against trafficking in persons. Prime Minister Hun Sen has spoken out on numerous occasions against trafficking. On March 5, 2006, he called for more concerted action from the government and NGOs to fight human trafficking, and warned against Cambodia being labeled as a sex tourism destination. While senior officials recognize that measures undertaken to date are insufficient to stem TIP within and out of Cambodia, the RGC recognizes that the problem must be addressed comprehensively and in accordance with internationally recognized norms regarding prosecution of traffickers, protection of victims, and public awareness campaigns and other programs to prevent people from falling victim to TIP. The RGC also recognizes that the problem is a regional one, and involves the cooperation of neighboring countries. The RGC has cooperated with U.S.-supported and other NGOs operating in Cambodia on TIP.

On February 6, 2007, the Cambodian government, represented by five concerned ministries, signed an agreement on the guidelines for implementation and cooperation between relevant government institutions and victims support agencies in cases of human trafficking. This agreement defines the roles and responsibilities of agencies working with trafficking, and marks a positive development in inter-ministerial cooperation.

The lack of statistical data impedes attempts to characterize changes in the trafficking climate from one year to the next. As long as the economies of Cambodia's neighbors continue to expand, Cambodian labor remains cheap and jobs inside the country are scarce, Cambodians will continue to migrate out for labor purposes. It is the belief of some NGOs that cross-border trafficking in both directions across the Cambodia-Vietnam border has decreased in 2006; such a conclusion can be reached by noting IOM's decrease in the number of returnees from Vietnam as well as fewer Vietnamese victims in shelters in Cambodia (Note: details provided below.); increased economic opportunity in the border region along with increased NGO efforts to combat trafficking could be responsible for this reduction. However, whether trafficking within Cambodia has decreased cannot be ascertained. NGOs and observers note that trafficking activity in the beach town of Sihanoukville is growing; increased tourism and weak police and judicial authorities are two reasons; one notable international NGO called cooperation with government authorities in Sihanoukville the worst in Cambodia.

CWCC claims its 2006 statistics indicate a decline in human trafficking. In 2006, the NGO received only 117 cases, compared to 191 in 2005 and 282 in 2004. The director opined that legal labor migration to Thailand and Malaysia has contributed to the decrease in trafficking.

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AFESIP's statistics also revealed that the number of trafficking victims has slightly decreased, from 92 in 2005 to 67 in 2006. The number of traffickers arrested also decreased from 27 to 21. The NGO noted that the number of trafficking victims from Vietnam decreased from 127 in 2005 to 63 in 2006.

IOM reported a similar downward trend for trafficking to Vietnam. In 2006, there were 131 victims, compared to 100 victims for the last six months of 2005. The number of returnees from Vietnam in general is also decreasing, 757 in 2006, compared to 1,121 in 2005.

The notorious Svay Pak brothel area that was closed after an extended 2004 crackdown by Anti-TIP police and IJM, is reported to be in operation again, although in a more concealed manner. At present, no additional information is available about the Svay Pak area. A study conducted in 2005 by AidTous and the Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM) to reevaluate the impact of closing Svay Pak on children found that the

closure did not stop the commercial sexual exploitation of children.

Many of these children were scattered to other brothels in Phnom Penh, Siem Reap and Sihanoukville, and are living in worse conditions in underground operations.

There continued to be incidents of Cambodian men and women being trafficked to Malaysia via Thailand and scattered reports of individuals trafficked to farther destinations. In 2006, as in previous years, there were also reports of Cambodian women going to work in Malaysia through legal channels, but ending up in exploitative situations. The Ministry of Women's Affairs (MOWA) continues to have serious concerns about the protection of Cambodian women working in domestic positions in Malaysia and the potential for abuse or coercion and trafficking into the sex industry. The MOWA has advocated the establishment of a follow-up mechanism to ensure the well-being of domestic workers after arrival in Malaysia.

In 2004, UNICEF indicated the beginnings of a change in TIP patterns, with evidence suggesting a rising number (if not yet significant compared to the main routes) of trafficking cases to Hong Kong and Taiwan. Recently, there were reports of Cambodian women who went to Taiwan through marriage but are now left in legal limbo for political and diplomatic reasons. It is reported that there are about 5,000 Cambodians in Taiwan, some of whom were trafficked for sexual exploitation. The Kamrieng border crossing point in Battambang (connecting to Trat in Thailand) has become another trafficking/smuggling route in recent years.

Research conducted by Friends International and UNIAP on child begging issues in Thailand found that the majority of Cambodian child beggars traveled to Bangkok with their mothers or other family members and that most beggars had a degree of control over their day-to-day lives. In contrast to previous assumptions, the research found that the majority of Cambodian child beggars in Bangkok did not experience abusive practices or trafficking. The issue is more related to migration of vulnerable migrants rather than trafficking.

However, the research found that almost 20% of children questioned came with a facilitator or non-blood relative. Most of the children who came with their mother said they were happy with the situation, while half of those who came with a facilitator said they were unhappy.

Due to poverty, lack of jobs, family problems and unequal access to educational opportunities, women and children, especially those in rural areas where 80 percent of the population resides, are the most vulnerable segment of society to sex trafficking. These victims are particularly susceptible to the lure of employment, often via the intercession of relatives, friends, or unknown persons, to pay off personal or family debts incurred by factors such as drought or the serious illness of a family member. NGOs have identified certain risk factors that increase the probability of a girl being lured into prostitution: an older sister, relative, or friend already involved in the commercial sex industry; the parents of the girl have divorced or separated; one or both of the parents are dead and the girl is living with relatives or friends; one or both parents are drug addicts, alcoholics, or gamblers; the family is desperately poor; the girl has little or no education; and the girl is of the appropriate age for the sex industry. NGOs report that domestic violence and rape are often precursors to trafficking, as girls who are raped are culturally stigmatized and left with little hope of having a normal life.

Traffickers of Cambodian women and children for sex can be known or distant acquaintances who promise work in Phnom Penh, or relatives, boyfriends or husbands that take the women or underage girls and sell them to a brothel.

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Asian men are often prepared to pay a premium to have sex with virgins, with one NGO reporting that clients will pay as much as USD 1,000 for three days with a virgin. In one study, AideTous found that 55 percent of interviewed prostitutes had sex for the first time with a foreign client, and two-thirds were between the ages of 13-18 when they lost their virginity to a client.

When Cambodians are moved abroad, they often are brought through the porous borders with Thailand or Vietnam without documentation. Some women are reportedly trafficked to Thailand for sex by boat from the Cambodian province of Koh Kong. In cases of human trafficking to Malaysia, women are reportedly entering the country with valid Cambodian passports, with allegations of complicity on the part of Thai and Malay border and immigration officials. Attempts to lobby Malaysia to grant legal rights to foreign domestic workers have been unsuccessful, although the Ministry of Women's Affairs continues discussions with its counterpart in Malaysia on this issue.

When victims are trafficked out of Cambodia, NGOs claim that trafficking networks are involved. The Vietnamese, Thai and Chinese-Malays are alleged to have regional networks that traffic drugs, guns, women and children to regional markets such as Thailand and Malaysia.

#### Government Resource Limitations, Corruption

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1C. What are the limitations of the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The Cambodian government is severely limited in its ability to effectively combat trafficking. In general, Cambodian government institutions remain very weak as a result of 25 years of civil war and genocide. The lack of resources is acute; training and funding for law enforcement and courts are wholly inadequate; corruption is a major problem; and the overall level of human resources - trained and competent people - is still greatly affected by the legacy of decades of civil war. Government resources for victim assistance are virtually non-existent and must be augmented by assistance from international organizations and foreign and domestic NGOs. The government has also been slow in defining custody issues pertaining to victims and witnesses taken from brothels, as well as the legal authority of NGOs in the process. In February 2007, the five responsible government ministries signed an agreement with NGOs providing victims assistance that established guidelines for cooperation on these issues.

Observers agree that law enforcement and judicial prosecution represent government weaknesses in anti-trafficking efforts. While some NGOs report good cooperation with government authorities on TIP cases in Phnom Penh, there are complaints regarding police officials at the provincial levels. In September 2006, an American citizen charged with pedophilia was released on bail from jail in Sihanoukville under questionable circumstances.

Donor countries have continued to press the government on anti-corruption efforts and the passage of an anti-corruption law that is consistent with international standards. The draft law remains inadequate and the government has missed multiple deadlines for implementation. Donors have also pushed for the establishment of an independent anti-corruption commission. On August 26, 2006, the government established an Anti-Corruption Body to combat corruption but it remains largely inactive.

The Supreme Council of Magistracy has the power to appoint and remove judges, but does not use this power except in rare situations, and there is evidence that disciplinary actions are often politically motivated. The SCM also does not have investigative resources to respond to allegations of corruption. The MOJ rotates judicial personnel every four years in the hope that the movements will lessen opportunities for corruption.

#### Government anti-TIP Monitoring Efforts

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1D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts - prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) has a database to keep track of repatriated victims and the Ministry of Interior has a database to track police intelligence, investigations, and arrests of sex crime offenders. The Ministry of Justice, with assistance from Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), started collecting information in late 2004 for a database of trafficking court cases, which was expected to be available in late 2005. The database is still not operational in 2007, and UNICEF has taken over the project. Information included in all of these databases is often not public and is not consolidated in one location. The Cambodian National Council for Children (CNCC) under MOSAVY plans a consolidated database to include secondary data from other government databases as well as NGOs. CNCC is in the process of developing this database, but a timeline for its operation is not yet available. At present, the Cambodian government does not issue assessments of its efforts to combat human trafficking.

#### Government Acknowledgment of TIP

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2A. Does the government acknowledge that trafficking is a problem in that country? If not, why not?

The Cambodian government openly acknowledges that trafficking is a serious problem, particularly the sex trade involving women and children. As noted earlier, the Prime Minister in March 2006 spoke out against TIP and called for greater government efforts to combat the problem.

In December 2006 at the launch of a new U.S.-funded Asia Foundation counter trafficking initiative, Deputy Prime Minister and Minister of Interior Sar Kheng committed the government to working with civil society to combating TIP.

In February 2007, the Prime Minister urged the Supreme Council of the Magistrate to investigate the Appeals Court decision that released the people convicted of trafficking at Chhay Hour II. He also urged the Ministry of Justice to review the penal code and the draft anti-TIP law to ensure that penalties for human trafficking were severe enough for the heinous nature of the crime. In addition, he also urged the government to work to ensure that the rights of Cambodians working in foreign countries be respected.

#### Government Agency Involvement in anti-TIP Efforts

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2B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

Several ministries and agencies in the Cambodian government have responsibility for combating trafficking in persons, including: the Ministry of Social Affairs, Veterans, and Youth Rehabilitation; the Ministry of Labor and Vocational Training, the Ministry of Interior (which oversees the National Police); the Ministry of Women's Affairs; the Ministry of Justice; the Ministry of Tourism; the Ministry of Information; the Ministry of Foreign Affairs and International Cooperation; and the inter-ministerial Cambodian National Council for Children, which has a Sub-Commission on Trafficking and Sexual Exploitation of Children. Since the summer of 2006, the Ministry of Women's Affairs is the lead ministry on human trafficking issues.

#### Government-run anti-TIP Information/Education Campaigns

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2C. Are there or have there been government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

Working with NGOs, the Cambodian government implemented a national

campaign to raise public awareness regarding the dangers of human trafficking through posters, television and radio campaigns, and the use of traditional Cambodian theater. The Ministry of Women's Affairs, with USAID funding and assistance from International Organization (IOM) for Migration, conducted a nationwide information campaign to increase awareness about trafficking. IOM's impact assessment report showed that the campaign has made its way to the people -- people understand more about trafficking and know what to do when the problem arises. The project ended in September 2006, but the Ministry continues to fund its radio campaign focused on women's empowerment and raising awareness of trafficking.

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The Ministry of Social Affairs, Veterans, and Youth Rehabilitation continued to work closely with UNICEF and local NGOs to set up community-based networks aimed at conducting early intervention programs in Prey Veng and Svay Rieng provinces. Community volunteers are recruited to help identify children at risk and bring their cases to the commune level for local protection. More difficult cases are forwarded to the district level.

The Ministry of Interior's anti-TIP police continued to conduct its education campaigns to school children about the risks of trafficking and their rights under the law. During 2006, the police conducted 126 information campaigns for approximately 20,000 students in Siem Reap and 15 campaigns for more than 3000 students in Phnom Penh.

The Ministry of Tourism (MOT), in collaboration with World Vision, has produced pamphlets and advertisements for tourist brochures and maps that warn tourists of the penalties for engaging in child sex. The MOT also provided workshops to hospitality industry owners and staff on how to identify and intervene in cases of trafficking or sexual exploitation of children. Some of the more active organizations involved in general public awareness campaigns regarding trafficking have been UNICEF, IOM, and the Women's Media Center. The Ministry of Tourism also supported the Child Program which builds a network of people to protect children at risk of trafficking and sexual abuse in the main tourist centers of Phnom Penh, Sihanoukville, and Siem Riep.

CWCC ran television spots targeting the demand side of trafficking by addressing male behavior toward prostitutes and educating male clients to respect the rights of beer promotion girls. UNICEF also funded television spots educating the public about the danger of trafficking and associated penalties.

CAMPBELL